

Court of Appeals, State of Michigan

ORDER

People of MI v Mary Mandana Waterstone

Docket No. 303268/303703

LC No. 10-010881-FH

William B. Murphy, C.J.
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

Following oral argument, the Court orders the parties to submit additional, supplemental briefing to address the following:

(1) What distinguishes acts of willful neglect of duty under MCL 750.478 from acts of nonfeasance comprising misconduct in office under MCL 750.505?

(2) Does MCL 750.478 codify misconduct in office premised on nonfeasance and preclude the bringing of charges for misconduct in office based on nonfeasance under MCL 750.505? If charges are wrongfully brought pursuant to MCL 750.505, what is the proper remedy?

(3) Can acts comprising willful neglect of duty encompass erroneous acts performed in good faith?

The Court orders the prosecutor to submit a brief to the Court addressing the above issues within 28 days of the Clerk's certification of this order. Defendant shall have 14 additional days from the filing of the prosecutor's brief to file a responsive brief on these issues.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

October 12, 2011
Date


Chief Clerk